

PATENT
RAP04 P617A#5
P. Alley
10/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group : 3653
Examiner : Joseph C. Rodriguez
Applicants : Claudio A. Cerutti, Artemio G. Affaticati and Stuart M. Edwards
Serial No. : 10/067,599
Filing Date : February 4, 2002
For : ARTICLE SORTATION SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via Facsimile No.: (703) 872-9326

Dear Sir:

SPECIES ELECTION WITH TRAVERSE

This is in response to the Office Action mailed September 24, 2003 and having a one month period for response ending October 24, 2003. The Office Action requires an election of one of seven allegedly patentably distinct species of the claimed invention. Applicants provisionally elect the Species I, which corresponds to claims 1-25. However, Applicants make this election with traverse for the reasons set forth below.

The Office Action indicates that the Species I and III are different because Species I pertains to methods for inducting without respect to an article destination, while Species III allegedly pertains to a method for inducting with respect to an article destination. Applicants respectfully submit that Species III, which corresponds to claims 33-40, does not induct articles with respect to article destination. To the contrary, the articles are provided at the at least two inducts in any manner and are moved along the inducts toward the transport units in the order in which the articles are provided to the inducts. There is no limitation pertaining to providing the articles to the inducts with respect to an article destination. Rather, it is the loading sequence for loading the articles from the inducts onto the transport units that is determined as a function of the respective destinations of the articles. The loading sequence is determined after the articles have been inducted onto the inducts in the order in which they are provided to the inducts. Accordingly, at least Species I and III should be combined, such that at least claims 1-25 and 33-40 are considered by the Examiner.

Applicants : Claudio A. Cerutti et al.
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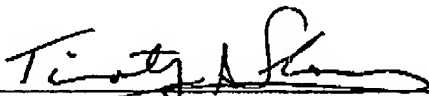
Accordingly, Applicants provisionally elect Species I, corresponding to claims 1-25, with traverse, and request consideration of at least claims 33-40. An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

CLAUDIO A. CERUTTI, ARTEMIO G.
AFFATICATI and STUART M. EDWARDS

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Dated October 24, 2003.



Timothy A. Flory
Registration No. 42 540
2851 Charlevoix Drive, S.E., Suite 207
P.O. Box 888695
Grand Rapids, Michigan 49546
(616) 975-5500

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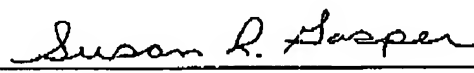
CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

1. Species Election (2 pages)

YOU SHOULD RECEIVE A TOTAL OF 3 PAGES.

Date: October 24, 2003.


Susan L. Gasper
Van Dyke, Gardner, Linn & Burkhardt, LLP
2851 Charlevoix Drive, S.E., Suite 207
P.O. Box 888695
Grand Rapids, Michigan 49588-8695
(616) 975-5500

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